

Pro Per Projects: Helping Litigants Help Themselves

California courts are facing an ever-increasing number of litigants who go to court without legal counsel, largely because they cannot afford representation. The unfamiliarity of these self-represented (in propria persona, or pro per) litigants with court procedures and forms, as well as with their rights, leaves them disadvantaged in court and consumes a significant amount of court resources. As a result, pro per litigants present a direct challenge to the Judicial Council's goal of improving access to the courts. The council is answering this challenge through the following comprehensive outreach programs, under way at all court levels.

FAMILY LAW FACILITATORS

In 1996 Family Code section 10002 established an Office of the Family Law Facilitator in all 58 counties (Stats. 1996, ch. 957; Assem. Bill 1058). The Judicial Council administers the program, providing nearly \$11 million per year to offices staffed by licensed attorneys and paralegals. Facilitators working for the superior court guide litigants through procedures relating to child and spousal support and health insurance. Many courts have also enlisted the help of volunteer attorneys or provided additional funding to assist "pro pers" in other family law matters. Family law facilitators offer pro per individual assistance with forms and procedures, child support calculations, workshops, and referrals to community resources. Facilitators help some 30,000 unrepresented litigants each month.

EQUAL ACCESS FUND

The Judicial Council is working in partnership with the State Bar's Legal Services Trust Fund to establish self-help centers in California courts. To that end, the council and bar are distributing nearly \$1 million to legal services programs throughout the state this year. When they open their doors in February 2000, the centers will assist low-income persons with a variety of civil matters.

FAMILY LAW INFORMATION CENTERS

In February 2000, the Judicial Council plans to establish family law information centers in three of the California counties most in need of services. Center staff will work closely with the family law facilitators in these counties to help self-represented litigants fill out court papers, understand the legal process, and learn about other resources available to them, including private attorneys.

PRO PER INFORMATION CENTERS

In July 1997 the trial courts of Alameda, Sacramento, San Diego, Santa Clara, and Ventura Counties each received from the Judicial Council \$25,000 to develop pro per centers that serve as models for the state's other courts. The variety of programs pursued by the courts in these counties tested different approaches to improving court access. The San Diego County court collaborated with the county's family law facilitator to develop and distribute statewide a four-part video series that

guides litigants through court procedures and form preparation. Ventura County added a mobile office to serve pro pers throughout its jurisdiction. Santa Clara County developed Web site materials that can be viewed statewide.

CHILD CUSTODY

California's courts handle an estimated 94,500 child custody mediation cases each year. At least half of the litigants in these cases are pro pers. Through materials such as the award-winning video "Focus on the Child," self-represented parents are oriented to court procedures, mediation, child custody evaluation, effective presentation of child custody information to the courts, parenting plans, and supervised visitation.

SMALL CLAIMS

The Judicial Council, working with the Superior Court of San Mateo County, has developed the California Small Claims Information Center, a Web site accessible at www.courtinfo.ca.gov/courts/trial/smallclaims. The site provides background information on how the small claims process works and some of the legal issues commonly resolved in small claims cases. It also offers instructions for filing and serving a claim, appealing a decision, and collecting a judgment. It is designed to supplement the work of the courts' small claims advisors, who orient litigants to court procedures and general law, while helping them prepare their petitions and responses.

JUDICIAL MEDIATION AND ARBITRATION

The options of judicial mediation and arbitration, including those stipulated by Code of Civil Procedure section 1141 et seq., offer less formal and less adversarial settings in which pro pers can settle their disputes.

ADDITIONAL PRO PER INFORMATIONAL PUBLICATIONS

- *You Don't Have to Sue*: The Judicial Council, in conjunction with the State Bar, offers this pamphlet about alternative dispute resolution options for distribution by the courts.
- *Domestic Violence Restraining Orders Instruction Booklet, DV-150*: Gives victims comprehensive guidance through completion of restraining order requests.
- *Summary Dissolution Handbook*: Provides detailed instructions on how to complete forms for a summary dissolution and how to write a marital settlement agreement for cases involving a summary dissolution.
- *What's Happening in Court*: This activity book for children who have come to court explains the court procedures and vocabulary that are common to family law and juvenile cases.

ADDITIONAL FORM PREPARATION AND PROCEDURAL ASSISTANCE

The Judicial Council offers rules of court, court forms, and answers to frequently asked questions on its Web site, www.courtinfo.ca.gov, and in informational booklets. Pro pers dealing with small claims and family law issues, including domestic violence, child support, summary dissolutions, and civil harassment, can find how-to information through these media. Most large courts also offer on-site domestic violence programs that help victims prepare restraining order requests.

EDUCATION AND TRAINING

Enabling court staff to effectively assist self-represented litigants is as important to the council's mission as empowering pro pers to help themselves. The Center for Judicial Education and

Research, the educational arm of the Judicial Council, addresses pro per issues in many of its classes and seminars. The Administrative Office of the Courts sponsors an annual conference on domestic violence that informs and trains advocates, law enforcement officers, and judicial officers on updated assistance models. At least twice annually, child support commissioners, family law facilitators, and court clerks convene to share ideas about how best to assist unrepresented litigants. Finally, the council's Civil and Small Claims Advisory Committee has prepared a training videotape on fair and impartial adjudication of small claims issues, all of which proceed in pro per, for small claims court judges. By January 2000 that advisory committee will release a "Model Program for Recruiting, Selecting, and Evaluating Temporary Judges for Small Claims Court."

The 27-member Judicial Council is the policymaking body of the California courts, the largest and busiest court system in the nation. Under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. The Administrative Office of the Courts serves as the agency staff to the council.